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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,855	12/28/2001	David Charles Potts	KCC-16,963	9630

35844 7590 07/13/2004

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EXAMINER

BOYD, JENNIFER A

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/034,855	Applicant(s) POTTS ET AL.	
	Examiner Jennifer A Boyd	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
 4a) Of the above claim(s) 1-15 and 43-72 is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 16-42 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/24/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Applicant's Amendments and Accompanying Remarks, filed April 26, 2004, have been entered and have been carefully considered. Claims 16 and 27 are amended, claims 1 – 15 and 43 – 72 are withdrawn and claims 1 – 72 are pending. In view of Applicant's Amendments, the Examiner withdraws the rejection as set forth in paragraphs 2 – 3 of the previous Office Action dated January 27, 2004. Despite these advances, the invention as currently claimed is not found to be patentable for reasons herein below.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 16 – 42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 17 – 26 and claims 28 – 42 are rejected as being dependent on claims 16 and 27. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Applicant has amended claim 16 to require "wherein the red blood cell lysing

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agent and the gelling agent are separate and not integrated on the layer”. It is the position of the Examiner that there is no support for the amendment in the Specification. On page 5, lines 18 – 20 in Applicant’s Specification, the Applicant states, “For maximum performance, however, the gelling agent and the lysing agent ***are applied separately and not integrated together into components***”. It is the position of the Examiner that stating that the “gelling agent and the lysing agent are applied separately” does not exclude that both components, the gelling agent and the lysing agent, are in the same region or overlapping regions, only that they are applied at two separate points in time. Additionally, Applicant’s Amendment “not integrated on the layer” is interpreted as that the red blood lysing agent and gelling agent are not contained in the layer. The language is indefinite and does not imply that the “gelling agent and lysing agent are not integrated into components” as stated in the Specification. The Applicant has amended claim 27 to require that “wherein the first layer is not treated with the gelling agent”. It is the position of the Examiner that there is no support for the amendment in the Specification. The Applicant states in the Specification on page 6, lines 1 - 5 that “For example, the gelling agent and the lysing agent can be applied to different layers of material within a single laminate”. Therefore, the Specification does not indicate that the first layer does not necessarily contain the gelling agent as indicated by Applicant’s amendment.

Response to Arguments

5. Applicant's arguments with respect to claims 16 - 41 have been considered but are moot in view of the new ground(s) of rejection.

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Suggestions for Allowable Claims

6. In a telephone conversation with Melanie Rauch on July 8, 2004, the Examiner indicated that the following claims 16 and 27, and their dependent claims, would be allowable if amended accordingly:

- 16.) An absorbent material component comprising:
- a layer of absorbent material;
 - a red blood cell lysing agent applied to a central region of the layer; and
 - a gelling agent applied to a peripheral region of the layer;
- wherein the red blood cell lysing agent and the gelling agent are applied separately and not integrated on-the-layer together into absorbent material components.
- 27.) An absorbent laminate comprising:
- a first layer of absorbent material treated with a red blood cell lysing agent, wherein the red blood cell lysing agent is applied to a central region of the first layer; and
 - a second layer of absorbent material treated with a gelling agent, wherein the gelling agent is applied to a peripheral region of the second layer; and

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wherein the ~~first layer is not treated with the gelling agent~~ **red**
blood cell lysing agent and the gelling agent are applied separately
and not integrated on the layer together into absorbent material
components.

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Conclusion

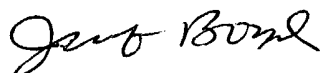
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Boyd whose telephone number is 571-272-1473. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer Boyd
July 9, 2004



Ula C. Ruddock
Primary Examiner
Tech Center 1700